

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CEDRIC LAMONT NEELEY,)	CASE NO. 5:03CV788
)	
PETITIONER,)	
)	
v.)	JUDGE PETER C. ECONOMUS
)	
NORMAN ROSE, WARDEN,)	
)	
RESPONDENT.)	MEMORANDUM OPINION
)	AND ORDER

On April 15, 2003, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 challenging the constitutionality of his criminal conviction. (Dkt. #1). This case was referred to Magistrate Judge William H. Baughman, Jr., for preparation of a report and recommendation pursuant to 28 U.S.C. § 636 and LR 72.1. (Dkt. #7). On February 3, 2006, Magistrate Judge Baughman filed a report recommending that Petitioner's application for habeas corpus be dismissed with prejudice. (Dkt. #15). On February 16, 2006, Petitioner filed objections to this recommendation. (Dkt. #19).

The Court has reviewed the report and recommendation of the Magistrate Judge, *de novo*. The Court finds that the report and recommendation (Dkt. #15) is well-supported and that Petitioner's objections are without merit. Therefore, Magistrate Judge Baughman's report and recommendation is hereby **ADOPTED** and Petitioner's objections are overruled.

Accordingly, Petitioner's Writ of Habeas Corpus is **DENIED**. Furthermore, the

court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

/s/ Peter C. Economus - February 24, 2006
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE